

for Roanoke
MAR 20 2015JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAMES GARDNER DENNIS,
Petitioner,

Civil Action No. 7:15 -cv-00096

v.

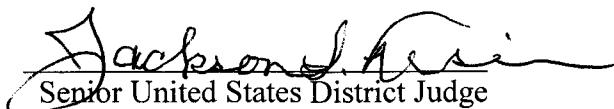
MEMORANDUM OPINION

IVAN GILMORE,
Respondent.

By: Hon. Jackson L. Kiser
Senior United States District Judge

James Gardner Dennis, a Virginia inmate proceeding with counsel, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 to challenge the judgment entered by the Circuit Court for Albemarle County. Court records indicate that Petitioner previously filed a § 2254 petition about the same judgment in Dennis v. Jennings, No. 7:11-cv-00245 (W.D. Va. Dec. 13, 2011). Thus, Petitioner's current petition is a subsequent one, falling under the prohibition in 28 U.S.C. § 2244(b) against a second or successive petition. Pursuant to this section, a federal district court may consider a second or successive § 2254 petition only upon specific certification from a United States Court of Appeals that claims in the subsequent petition meet certain criteria. Because Petitioner has not submitted any evidence that he has obtained such certification from the Court of Appeals for the Fourth Circuit, I must dismiss the petition without prejudice as successive. Based upon the finding that Petitioner has not made the requisite substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is denied.

ENTER: This 20th day of March, 2015.


Jackson L. Kiser
Senior United States District Judge